

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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CWP-36525-2019 (O & M)
Date of Decision : 01.02.2023

JAGDEEP SINGH AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Ms. Ridhi Bansal, Advocate and
Ms. Sidhi Bansal, Advocate for
Mr. Pardeep Virk, Advocate
for the petitioners.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. In petition bearing no. 48B/V.C.L., as became cast under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961, (hereinafter for short call 'the Act'), thereby the eviction from the suit lands, of the respondents therein one Gurjit Singh, one Ranjit Singh, and, one Bikramjit Singh, hence was asked for. The learned Collector concerned, as revealed by Annexure P-1, made an order for eviction only in respect of the land owned and possessed by the Gram Panchayat concerned, and did not make any order of eviction in respect of a house or

Atta Chakki, as became raised even on the panchayat land.

2. The aggrieved therefrom Gram Panchayat instituted an appeal bearing No.137 of 2006 before the learned Appellate Court, and, thereons an order, affirming the verdict as became earlier drawn, rather became rendered. Therefore, the order initially drawn by the learned Collector concerned, whereby the *Atta Chaki*, and or, house as became raised on panchayat land, rather became saved from eviction, did also become upheld.

3. Resultantly, the Gram Panchayat concerned, did make, an appeal thereagainst before this Court, through theirs instituting a writ petition bearing No. 6782 of 2010, and, through a decision made thereons on 18.07.2018, the writ petition was disposed of with a direction, that the land belonging to *Jumla Mushtarkha Malkan*, would be amenable to an alternative remedy, other than the one encapsulated in the Punjab Village Common Lands (Regulation) Act, 1961. However, yet there is no record demonstrative, that the said alternative remedy has been canvassed at the instance of the aggrieved. If so finality and conclusivity is to be assigned to the orders initially drawn by the Collector concerned, and, which rather also became affirmed by the Competent Appellate Authority concerned. Therefore, with the assigning of conclusivity to the above made concurrent orders of eviction, as became drawn against the respondents, did make the said orders, to become amenable for theirs being put to execution.

4. Nonetheless, even when the present petitioners were not arrayed as respondents in the petition cast under Section 7 of 'the Act', and, nor become impleaded subsequently in appeal bearing no.137 of 2006, as, became constituted before the learned Appellate Authority, yet a

being made upon the respondents concerned, for enforcing the said decree. The above asked for mandamus may have been granted, only if there was tardiness or indolence on the part of the Executing Court concerned, wherebefore an Execution Petition was reared hence enforcing the above conclusive and binding decree or orders, but since there is no material on record, suggesting that any apposite execution application/petition, has been filed by the Gram Panchayat concerned. Therefore, even the said asked for mandamus, but which was to be cast before this Court hence in a writ petition to be instituted only by the Gram Panchayat concerned, yet also cannot be made, as the instant petition is not cast by the Gram Panchayat concerned, but has been constituted before this Court by the present petitioners, who for above stated reasons, do not have any *locus standi*, to ably maintain the petition nor the above prayed mandamus can be made upon the Collector concerned. In any case, they are also not entitled to maintain the apposite execution petition, for executing the above binding and conclusive verdicts. The *locus standi*, as above stated to ably maintain, an, ably constituted execution petition, was throughout vesting only in the Gram Panchayat concerned.

5. In consequence, for the above reason, the petition is completely misconstituted and it is dismissed. However, for ensuring that the binding and conclusive orders, when for reasons (*supra*) have acquired conclusivity, are also ensured to theirs becoming put to their completest and fullest execution. Therefore, the Gram Panchayat concerned, is directed to within a week from today, institute an Execution Application, before the learned Collector concerned, seeking therein the completest execution and enforcement of the above binding and conclusive verdict(s).

debtors concerned, and, whereafter within a period of three months subsequent thereto, the execution petition shall be decided in accordance with law, and, only after affording an opportunity of hearing to all concerned.

6. Since the main case itself has been decided, all pending applications, if any are also disposed of.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

01.02.2023

kavneet singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No